

APPROVED: Meeting No. 40-80

ATTEST: _____

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 38-80

October 20, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, October 20, 1980, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: Acting City Manager Daniel Hobbs; City Clerk Helen Heneghan; City Attorney Roger Titus; Assistant City Attorney Francis Lacey; Public Information Officer Sue M. Patterson; Director of Finance John Lawton; Director of Planning James M. Davis; Director of Public Works Robert Goodin; Director of Community Development Douglas Horne.

Re: City Manager's Report

Mr. Hobbs reported the following:

1. The 19th Annual Antique & Classic Car Show was held Saturday with a combination of rain and sunny weather. Two hundred and fifty cars were on the field, with approximately three thousand spectators throughout the day, despite the weather. The Mayor and Council trophy was awarded to Robert G. Luther of 15308 Delphinium Lane, for his 1955 Silver 300SL Gullwing Mercedes.
2. The 10-Kilometer Run was held yesterday. It was held at Montgomery College and run through Woodley Gardens and College Gardens neighborhoods. Four hundred and fifty runners signed up and only 400 finished. A Rockville 24 year old, Timmy Gavin, won the overall male category in 30 minutes, 46 seconds. Overall female winner was 24 year old Erica Glasener of Silver Spring with a time of 42 minutes and 08 seconds.
3. The Mayor and Council held a special work session and forum on Rental Housing Saturday here in the Chambers.

Councilwoman Fordham said that the Council had planned the housing forum for several months and it took place Saturday. It was an opportunity for the Mayor and Council to sit all day and listen to experts in the field. It was a most satisfying day and much was learned in the area of rental housing. She expressed the Council's gratitude to the staff for their participation, most particularly to Edward Duffy who worked so hard to make the day a success.

Mayor Hanna read the following press release:

Temporary bus service for residents of Rockville's Lincoln Park has been ordered by County Executive Charles W. Gilchrist to restore community access to downtown Rockville and to major transportation routes.

Metro construction and a railroad barrier erected across Frederick Avenue -- a major access to the neighborhood -- has cut off Lincoln Park since September 29.

Metro plans to construct a pedestrian walkway over the railroad crossing, but that will not be finished for a year. Meanwhile, Norman Duffin, of the Lincoln Park community and Rockville's Mayor William E. Hanna, Jr., asked for interim help in a highly circuitous detour from Lincoln Park to Route 355.

The new 90-day shuttle service will be operated by the County's Department of Transportation and will run from Lincoln Park Community Center to downtown Rockville.

Mayor Hanna thanked County Executive Gilchrist for this action.

Re: Appointments

The Mayor and Council made the following appointments:

Jean Brady, one-year reappointment as Chairman of the Senior Citizens Commission.

Lynn Wagman, three-year term on the Historic District Commission.

Dorothy Graves Jackson, four-year term on the Human Rights Commission.

Jennie Forehand, two-year reappointment on the CIAC.

Neal Kochman, two-year term on the Energy Commission.

Edward Funk, two-year term on the Civic Improvement Advisory Commission.

Lisa Taylor, one-year term as Chairman of the Economic Development Council.

Re: Resolution: To Commend Paul
Radauskas for Professional
Certification

Resolution No. 24-80

On motion of Councilman Freeland, duly seconded and unanimously passed, Resolution No. 24-80, the full text of which can be found in Resolution Book 7

of the Mayor and Council commending Paul Radauskas on attaining professional certification, was adopted by the Mayor and Council.

Mr. Radauskas received the resolution. The Mayor and Council congratulated him on his attainment.

Re: Award of Contract: Bid No.
9-81, Tree Maintenance Contract

Bids were opened in the Conference Room of City Hall at 4:00 p.m., on September 18, 1980, for tree maintenance in the City.

One responsive bid was received:

Cole Landscape and Tree Service, Silver Spring, Maryland \$50.00 per hour/
4-person crew

This contract is to provide tree maintenance and removal that are beyond the capabilities of the current staff. In addition, the contractor provides stump grinding of trees removed in-house. During periods of emergency, severe thunderstorms for example, the contractor supplements city personnel in clearing of city rights-of-way.

The amount budgeted was \$28,750. The staff recommends an award to Cole Tree Service not to exceed the budgeted amount of \$28,750.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 9-81, tree maintenance contract, was awarded to the Cole Landscape and Tree Service in the amount of \$50.00 per hour/4-person crew, for a total amount not to exceed \$28,750, the budgeted amount.

Re: Instructions to staff re amendment to Fire Code, Chapter 9 of the "Laws of Rockville".

It is recommended by the City Manager that the Mayor and Council instruct the City Attorney to draft an amendment to the Fire Code, which will eliminate the present ambiguity, and require that any dead-end road, whether public or private, more than 300 feet long, shall be provided with a turn-around at the closed end at least 90 feet in diameter.

On motion of Councilman Tyner, duly seconded and unanimously passed, the City Attorney was instructed to draft an amendment to the fire code as requested.

Re: Approval of City/State Master Agreement for the Implementation and Funding of Federal Aid Projects

As a pre-requisite to receiving Federal Funds under the various Federal Highway Administration programs, the Federal Government requires that an

October 20, 1980

agreement be executed between the State Highway Administration and the affected local government setting forth conditions of project implementation.

To avoid delays, the FHA has come up with a Master Agreement containing all of the standard conditions as applied to every Federal Aid Project. This document has been approved by the City Attorney's Office.

On motion of Councilman Abrams, duly seconded and unanimously passed, the City/State Master Agreement for the Implementation Funding of Federal Aid projects was approved by the Mayor and Council.

Re: Preliminary Review: Text
Amendment Application, T-40-80,
Prohibiting Beauty Culture
in Residential Zones

The subject text amendment has been prepared at the request of the Mayor and Council for the purpose of deleting "beauty culture" from the Tables of Residential Uses - Section 3-201. Such use is presently permitted as a home occupation by special exception.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Text Amendment application, T-40-80, was referred to the Planning Commission for further review and action.

Re: Introduction of Ordinance:
To Grant Text Amendment Applica-
tion, T-31-80

On motion of Councilman Freeland, there was introduced upon the table, an ordinance to grant Text Amendment Application, T-31-80, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance:
To Grant Text Amendment Applica-
tion, T-32-80

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to grant Text Amendment Application, T-32-80, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: to
Grant Street Closing and Abandon-
ment Application, SCA-24-80,
Pasteur Court

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to grant street closing and abandonment application, SCA-24-80, Pasteur Court, said ordinance to lay over at least one week before final action is taken.

Re: Adoption of Ordinance: To
Grant Street Closing and
Abandonment Application,
SCA-25-80, Baltimore Road

Ordinance No. 29-80

On motion of Council member [redacted], duly seconded and unanimously passed, Ordinance No. 29-80, the first part of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting street closing and abandonment application, SCA-25-80, Baltimore Road, was approved by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. James Bernhard, 9/6 Paulsboro Drive. Mr. Bernhard protested the absence of a bus stop at the intersection of Paulsboro and Ritchie Parkway where buses could be boarded to get to the center of Rockville. He noted that between Falls Road and Greenplace Terrace there are four stops and none between Greenplace and Ritchie Parkway. The Mayor instructed the City Manager to ascertain why the bus stop has been eliminated.

2. An unidentified citizen requested that there be police patrol on Baltimore Road before and after sessions at Rockville High School since there have been repeated incidents in the area and the students feel they need protection. A petition was presented to the Council requesting this.

3. Shirley Bjerke, 1109 Highwood Road. Ms. Bjerke told the Council that more police surveillance is needed on the east side of Rockville where there are traffic problems. She also protested the water in her home. She said that it was clouded and she received no satisfaction from the staff as to this problem. She protested the letter from the Mayor on expensive paper requesting newspaper recycling and the twine that was sent out to assist the citizens. She added that the streets are dirty and not swept as they used to be. Mayor Hanna explained the police do patrol the area mentioned by Ms. Bjerke and he will ask that they attempt to double their efforts in that area. He said that even though the water may look cloudy after a storm, which causes a bit of discoloration from sediment, the water is tested for safety, and if there were anything unsafe in the water, the public would be notified of such an emergency. He explained the street cleaning process of the City which is only done twice a year for budget purposes.

October 20, 1980

He mentioned that it was originally started as an experiment, no complaints were made, and so the City has stayed with the schedule.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: Text Amendment Application, T-38-80, to amend the Zoning Ordinance regulations on building height in the I-4 zone.

The Mayor and Council conducted a Public Hearing on Text Amendment application-T-38-80, to amend the Zoning Ordinance regulations on building height in the I-4 zone, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing: Sale of Montgomery College Urban Renewal Land on Hungerford Drive at Mannakee Street to G.J. Koepenick

The Mayor and Council conducted a Public Hearing on the Sale of Montgomery College Urban Renewal Land on Hungerford Drive at Mannakee Street to G.J. Koepenick, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing: Reconsideration of Planned Residential Unit - Rockshire - Hurley Avenue and Ritchie Parkway

The Mayor and Council conducted a Public Hearing on the Reconsideration of Planned Residential Unit - Rockshire - Hurley Avenue and Ritchie Parkway, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for thirty days.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Mr. & Mrs. H. T. Faatz, re thank you for CDBG
2. Responses to triennial assessment letter from Mayor

Council discussed the responses and noted they look forward to the additional information mentioned by Delegate Forehand.

3. Dr. W. J. English, re ordinance amendment on shooting galleries
4. R. H. Davis, re tree planting.
5. U. S. Conference of Mayors re Revenue Sharing
6. W. L. Sullivan, re newspaper recycling
7. Chamber of Commerce, re thank you for attending seminar

Councilman Freeland asked the Mayor and Council if the City would follow up on the Chamber's suggestions. The Mayor said it would.

8. National League of Cities, re Revenue Sharing

Re: Information Items

1. Copy of letter to Recreation and Parks Director re MML Department
2. Article on Residential Street Lighting with high pressure sodium lights
3. Copy of letter to Civic Center Supervisor re security

Mayor Hanna suggested that the City Manager talk with the Police Chief and attempt to improve security at the Civic Center, whether there be an addition of personnel so that there would be one at the entrance. Mr. Hobbs said that there is a park ranger on the grounds, but he will certainly talk to the Police Chief about any pattern of incidents that do cause trouble. Councilwoman Fordham said she hesitates to add staff so that when the City Manager is discussing this with the Police Chief he might consider brush pruning and beefing up the lighting system. She noted that escorts might be added when necessary, without adding personnel to the police force.

4. Memo re Halpine Baptist Storm Water Management facility
- Councilman Tyner thanked the staff for this information.

5. Public Works Project Status Report
6. Recreation and Parks Project Status Report
7. Memo re SWM status report (10/8/80)

Councilman Tyner said he would like additional information on SWM since this memo misses the point and is not exactly what he requested. He noted that he is afraid water will overcome the City before the ponds to manage it are built.

8. Recreation flyer on "Arts in the Parks"
 9. Copy of letter to Pipestem Place residents
 10. Lincoln Park Community newsletter
 11. Memo from City Manager - Recommended Process for Handling School Site Issues
- Councilman Tyner asked that this be placed on a future agenda. The Mayor and Council agreed.
12. Memo from Director of Planning re County Use of #1 Lawrence Court as Adult Residence

also asked that the City Manager have the construction horses and temporary signs removed.

13. Memo re Shady Grove Executive Center (former hotel and convention site)
14. Memos from City Attorney re litigation
15. Memo from L & I re Community Enhancement Survey
16. Memo re I-270/Nelson Street traffic signals

Mayor Hanna asked that something be done to improve this even to opening the service road to one-way traffic at rush hour. At the same time he

17. Memo re Graphics Department Work
18. Memo re Additional Engineering Fee for RMSC Solar Project

Mr. William Haberman, Chairman of the Energy Commission, addressed the Council and explained the process and answered the Council's questions on the validity of the proposal in terms of payback. The Mayor and Council agreed to the expenditure.

19. Information on Cable Television

Mayor Hanna noted the City has an appropriate process to award a cable television franchise at any time, so there is no need to get information on that process from the County. If Montgomery County wishes to make a presentation to the City, they are more than welcome to do so; but at this time the City should not be looking for information from the County.

Re: New Business

1. Councilman Tyner asked where the North Street study is. Mr. Hobbs said he will check on it and have it for the Council.
2. Councilman Tyner suggested that the staff stand ready to activate the shuttle proposal of the staff for Lincoln Park if the County does not provide Ride-on buses as announced.
3. Councilman Tyner asked that the Council approve an expenditure for left turn at Park Road and Hungerford Drive since it is a dangerous intersection. Mr. Hobbs said he has found out that a thousand dollars in hardware will provide left turn movement and signalization and the money can be reimbursed to the City by the State. The Mayor and Council agreed that the staff should proceed to correct the signal and at the same time ask for reimbursement.
4. Councilman Tyner asked the schedule for the construction of the pedestrian overpass at Frederick Avenue. Mr. Hobbs said that Metro will be advertising for bids on December 1, 1980; the work will begin on March 1, 1981; and should be completed by December 1, 1981. The pedestrian bridge is a top priority item.
5. On motion of Councilman Abrams, duly seconded and unanimously passed, staff was authorized to contract for an update on the Laventhol and Horwath hotel study in an amount not to exceed \$5,000.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 36-80, September 29, 1980, were approved as written.

Re: Executive Session

On motion of Councilman Abrams, the meeting was closed for executive session to discuss personnel.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11:50 p.m. to convene again in general session on Monday, October 27, 1980, at 8:00 p.m. or at the call of the Mayor.